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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/304,906
Filing Date: May 04, 1999
Appellant(s): SIPPLE ET AL.

Wayne A. Sivertson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 28, 2008 appealing from the Office action mailed October 5, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,790,176	Craig	8-1998
6,230,200	Forecast et al.	5-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims **1-2**, **4-6**, **10-12**, **14-25** are rejected under 35 U.S.C. 102(e) as being unpatentable by Craig (US5790176).

Claim **1**, Craig discloses in a VOD system for supplying requested video data to a plurality of subscriber receivers (Fig. 1-3), the improvement comprising:

A 1st processor (350,370 of Fig. 2, 3A or gateway 572 of Fig. 5) having a 1st hardware architecture optimized to perform a variety of computational task, which spools the requested video data in response to the request (Col. 13, lines 45-Col. 14, lines 30);

A video server memory (270, Fig. 2, 3B) responsively coupled to the 1st processor in which the spooled requested video data is stored (Fig. 5); and

A 2nd processor (330, Fig. 3A; Fig. 5, el. 541) having a 2nd hardware architecture different from the 1st hardware architecture optimized to perform I/O operations responsively coupled to the video server memory and the subscriber receiver which accesses the spooled requested video data directly from the video server memory without passing through the 1st processor and streams the spooled requested video data to the plurality of subscriber receivers in a plurality of streams spaced apart by a predetermined time (Col. 13, lines 45-61; Col. 15, lines 8-20; Col. 16, lines 60-65).

Claim **2**, Craig further discloses wherein the video server memory further comprises a commercial computer memory platform (Fig. 5 with associate memory).

Claim **4**, Craig further discloses wherein the 1st processor further comprises a transaction server responsively coupled to the subscribing receiver and the video server memory (gateway 572 of Fig. 5; Col. 16, line 33-55);

Claim **5**, Craig further discloses wherein the requested video data further comprises MPEG-2 format (Col. 12, lines 35-62).

Claim **6**, is analyzed with respect to claims 1 and 4 in which Craig further discloses two subscribing television receivers (Fig. 1) each of which providing a separate spaced apart service request for a video program (Col. 16, lines 55-Col. 17, lines 6);

Claim **10**, wherein the 1st architecture of the transaction server is optimized about a variety of processing operations (gateway 572 of Fig. 5; Col. 16, line 33-55);

Claim **11** Craig discloses a VOD system (Fig. 1-3) comprising:

1st requesting means for requesting a VOD program at a 1st time (reads on 1st user/client request a program at time T1; see Col. 14, lines 21-30; Col. 16, lines 2, lines 40-49).

2nd requesting means for requesting said VOD program at a later time (reads on 2nd user/client request the same program at time T2; see Col. 13, lines 45-61; Col. 14, lines 21-30).

Transaction means (350,370 and 250 of Fig. 2, 3A-B or gateway 572 of Fig. 5) having a 1st hardware and software architecture optimized about a variety of processing operation

responsively coupled to the 1st requesting means and the 2nd requesting means for spooling the VOD program (Col. 13, lines 45-Col. 14, lines 30)

Storing means (270, Fig. 2, 3B) responsively coupled to the transaction processing means (350, 370, 250 of Fig. 2 or gateway 572 of Fig. 5) for storing a copy of the spooled VOD program (Col. 10, lines 30-Col. 13, lines 45); and

Video processing means (330 of Fig. 3A, output controller /control server with associated memory devices of Fig. 5) having a 2nd hardware and software architecture different from the 1st hardware and software architecture and optimized input/output processing responsively coupled to the storage means for access and the requested VOD program twice directly from the copy stored within the storing means (270, Fig. 2, 3B) without passing the requested VOD program through the transaction processing means and from streaming the requested VOD program at a 1st time to the 1st requesting means and at the 2nd and later time to the 2nd requesting means (Col. 13, lines 45-61; Col. 15, lines 8-20; Col. 16, lines 60-65).

Claim **12**, wherein the 1st requesting means further comprise a subscriber box (see Fig. 1, el. 130).

Claim **14**, wherein the video processing means further comprises a commercial computer memory platform (Fig. 5 with associate memory).

Claim **15**, further comprises a transaction subsystem for managing archival storage of video streams in hierarchical storage management system that is integrated with the management

application and requires no manual intervention (see Fig. 5, Fig. 3, el. 250, librarian Col. 9, lines 30-46).

Claim **16**, the method of claim 16 is analyzed with respect to apparatus claim 16 in which Craig further discloses streaming the corresponding video program directly from the single copy of the video program to the 1st subscriber at a 3rd time by a video processor having a second hardware and software architecture (reads on Transmission of the request is delayed for a predetermined number of minutes N in response to the 1st request for the video selection, i.e. at T1+N, the requested video start to transmit; Col. 15, lines 10-27) ; and

Streaming the corresponding video program directly from the single copy of the video program to the 2nd subscriber begin at a time different from and later than the 3rd time by the video processor (reads on the subsequent request from the 2nd subscriber that outside the delay period N; Col. 15, lines 10-27);

Claim **17**, Craig further discloses streaming the corresponding video program to the 1st subscriber at the 3rd time and streaming the corresponding video program to the 2nd subscriber at a 4th time if the difference between the 2nd later time and the 1st time is greater than a predetermined interval (reads on the subsequent request from the 2nd subscriber that outside the delay period N; Col. 15, lines 10-27);

Claim **18**, Craig further discloses wherein the predetermined interval further comprises about one minute (reads on the 2nd later request time T2 is outside (greater than) the delay period N

from the time the 1st user/client request a program at time T1, i.e. T2 > T1+N; Col. 15, lines 10-27).

Claim **19**, Craig further discloses fast forwarding the stream to the 1st subscriber in response to a FF from the 1st subscriber (Col. 8, lines 43-50).

Claim **20**, Craig further discloses performing subscriber accounting to enable billing the 1st subscriber for the VOD request (Col. 7, lines 9-12).

Claim **21** is analyzed with respect to claim 11.

Claim **22**, Craig further discloses wherein the 1st hardware and software architecture is optimized for a variety of transaction processing task (Col. 13, lines 45-Col. 14, lines 30).

Claim **23**, Craig further discloses wherein the 2nd hardware and software architecture is optimized for I/O processing (Col. 13, lines 45-61).

Claim **24**, Craig further discloses wherein the memory is a temporary memory for storage of the video program from the spooling to the streaming (Fig. 3B, el. 278; Fig.4 DRAM storage unit; Fig. 5, el. 531).

Claim **25**, Craig further discloses wherein the memory further comprises commercial computer memory platform (see Fig. 5).

2. Claims **3**, **7-9**, and **13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig (US5790176).

Claim **3**, Craig discloses wherein the 2nd processor further comprises an industry compatible (Col. 16, lines 17-28).

Craig does not clearly disclose the processor is a "Windows NT based processor".

Official Notice is taken that using "Windows NT based processor" is notoriously well known in the art, i.e. Intel Processor is a Windows NT based processor because Intel processor is fully compatible for supporting NT windows OS. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Craig's processor with "Windows NT based processor", i.e. Intel processor, so to take the advantage of the well known industry standard based Intel processor for compatibly with Windows NT OS and moreover for reducing cost of maintenance and operation.

Claim **7** is analyzed with respect to claim 3.

Claim **8**, Craig further discloses wherein the video server memory further comprises a commercial computer memory platform (Fig. 5 with associate memory. Note: any memory disclosed, i.e., Disk, RAM, tape, etc…, is a commercial computer memory).

Claim **9**, Craig further discloses wherein the requested video data further comprises MPEG-2 format (Col. 12, lines 35-62).

Claim **13**, wherein the video processing means further comprises an industry computer (control server 570 of Fig. 5; Col. 16, lines 33-38).

Craig does not clearly disclose the industry computer (control server 570) is a standard personal computer.

Official Notice is taken that using a standard personal computer with industry standard Intel Processor for running NT windows OS, as server/controller, is notoriously well known in the art; Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Craig's industry control server 570 with a standard PC with Intel processor, so to take the advantage of the well known Intel processor for compatibly with Windows NT OS and moreover for reducing cost of maintenance and operation.

(10) Response to Argument

Argument I: Claims 1-2, 4-6, 10-12, and 14-25 are not unpatentable under 35 U.S.C. 102(e) as being anticipated by Craig

Regarding claims **1-2**, **4-6**, **10-12**, and **14-25**, the appellant argues that Craig does not show the identical invention…..in as complete detail as is contained in the claim[s]. The examiner respectfully disagrees.

Argument I.A. Claim 1 is not anticipated by Craig

Regarding claim **1**, the appellant argues that Craig has none of the three major improvement elements recited in the claim. The examiner respectfully disagrees.

The first element is "a first processor having a first hardware architecture optimized to perform a variety of computational tasks which spools said requested video data in response to said request." The appellant argues that none of the three elements 350, 370, 572 has any hardware architecture described by Craig, so none is taught to be "optimized to perform a variety of computational tasks" as claimed. The examiner respectfully disagrees. Craig discloses that Interactive Processor 350 receives command data over an Integrated Services Digital Network (ISDN) from subscribers running interactive programming from a Media Server. Craig further discloses that Interactive Processor 350 receives command data from subscriber control unit 130 for interactive control of feature presentations (col. 8, l. 39-50 & col. 14, l. 21-30). Gateway Processor 572 maintains maps and subscriber profiles, receives subscriber requests, and forwards requests to a control server 570 (col. 16, l. 38-44). Thus, the examiner maintains that each of Interactive Processor 350 and Gateway Processor 572 perform a variety of tasks. The examiner notes that processors inherently have hardware architecture (see http://dictionary.reference.com/browse/cpu). Since the Gateway Processor 572 is capable of maintaining maps and subscriber profiles, receiving subscriber requests, and forwarding requests to a control server, the examiner interprets the hardware architecture of the Gateway Processor as being optimized to perform these tasks. Further, since the Interactive Processor receives command data for interactive control for interactive control of feature presentations, the examiner interprets the hardware architecture of the Interactive Processor as being optimized to

perform these tasks. As such, the examiner maintains that Craig meets the limitation of "a first processor having a first hardware architecture optimized to perform a variety of computational tasks," as currently claimed.

Further regarding the first element, the appellant argues that none of the elements 350, 370, or 572 "spools the requested video data" as claimed. The examiner respectfully disagrees. The examiner notes that to "spool" is to send a file for output to a device (see http://dictionary.reference.com/browse/spooling). In Appellant's specification, spooling is referred to as transferring digital video data from digital disk mass storage devices to a memory for output to subscribers in response to a subscriber request (p. 13, lines 4-13 & Fig. 7). Craig discloses storing video data in various types of storage with different access speeds. The video data is moved between the types of storage based on the frequency of usage of the data (col. 10, l. 29-40). As such, the examiner maintains that Craig meets the limitation of "spools said requested video data in response to said request," as currently claimed.

The second element is "a video server memory responsively coupled to said first processor in which said spooled requested video data is stored." The appellant argues that Craig fails to describe a coupling between element 350 and storage of the spooled requested video data. The examiner respectfully disagrees. Craig discloses that the interactive processor 350, librarian 250, storage manager 270, and video storage are all coupled together (Fig. 2). As such, the examiner maintains that Craig meets the limitation of "a video server memory responsively coupled to said first processor in which said spooled requested video data is stored," as currently claimed.

The third element is "a second processor having a second hardware architecture different from said first hardware architecture optimized to perform input/output operations responsively coupled to said video server memory and said subscriber receiver which accesses said spooled requested video data directly from said video server memory without passing through said first processor and streams said spooled requested video data to said plurality of subscriber receivers in a plurality of streams spaced apart by a predetermined time." The appellant argues that Craig fails to describe elements 330 or 541 as having architectures that are optimized as claimed and different from the claimed first hardware architecture. The examiner respectfully disagrees. Craig discloses that the output controller 330 includes transmission circuitry for transmitting the multi-media data to remote end users (col. 4, l. 43-45). Craig further illustrates that the output processor as including output channels and ports (Fig. 3A). As such, the examiner maintains that Craig meets the limitation of "a second processor having a second hardware architecture different from said first hardware architecture optimized to perform input/output operations," as currently claimed.

Further regarding the third element, the appellant argues that the output processor is not coupled to said video server memory. The examiner respectfully disagrees. Figures 3, 3A, and 3B of Craig illustrate a detailed block diagram of the media server (col. 6, l. 21-22), in which the output processor 330 and the storage 270 are coupled together (Figs. 3, 3A, 3B). As such, the examiner maintains that Craig meets the limitation of "a second hardware architecture … coupled to said video server memory," as currently claimed.

Still further regarding the third element, the appellant argues that the output processor of Craig does not stream the spooled requested video data to the subscriber as claimed. The

examiner respectfully disagrees. Craig discloses opening a communications port and queuing a video title in response to a subscriber request. After a predetermined time, the video data is transmitted to the subscriber (col. 14, l. 63-67 & col. 15, l. 1-27). As such, the examiner maintains that Craig meets the limitation of streaming "said spooled requested video data to said plurality of subscriber receivers in a plurality of streams spaced apart by a predetermined time," as currently claimed.

Argument I.B. Claim 2 is not anticipated by Craig

Regarding claim **2**, the appellant argues that Craig does not disclose a commercial computer memory platform. The examiner respectfully disagrees. Both Figures 3B and 5 of Craig illustrate the use of DRAM, Magnetic Disk, high Speed Magnetic Tape, and Archival Magnetic Tape storage (col. 10, l. 29-34 & Figs. 3B, 5). The examiner notes that all of these types of storage are commercially available. Furthermore, Craig discloses the use of optical disks, such as CDs, which are notoriously well known within the prior art as being commercially available, for use, for example, in a commercially available CD player (col. 11, l. 1). As such, the examiner maintains that Craig meets the limitation of "video server memory further comprises a commercial computer memory platform," as currently claimed.

Argument I.C. Claim 4 is not anticipated by Craig

Regarding claim **4**, the appellant argues that Craig does not disclose that the first processor further comprises a transaction server responsively coupled to said subscribing receiver and said video server memory. The examiner respectfully disagrees. Craig discloses an

Interactive Processor 350 coupled to subscribers and video storage, as described above. Craig further discloses that the Interactive Processor processes incoming commands from subscribers (col. 14, l. 21-23). As such, the examiner maintains that Craig meets the limitation of "said first processor further comprises a transaction server responsively coupled to said subscribing receiver and said video server memory," as currently claimed.

Argument I.D. Claim 5 is not anticipated by Craig

Regarding claim **5**, the examiner notes that the appellant's argument is addressed with regard to Argument I.C. above.

Argument I.E. Claim 6 is not anticipated by Craig

Regarding claim **6**, the appellant argues that Craig does not disclose two subscribing television receivers. The appellant specifically argues that Craig discloses that each subscriber destination has a computer terminal 108 for reception of multi-media transmissions. The examiner respectfully disagrees. Figure 1 of Craig clearly illustrates a television being controlled by a remote control unit 132 (Fig. 1). Figure 1 is clearly representative of a larger system having several subscribers (col. 6, l. 65-67) connected to a public switched telephone network (PSTN) (col. 6, l. 42-50). Furthermore, Craig discloses subscriber premises 100 and 120 receiving MPEG II broadcast television quality movies on demand (col. 12, l. 51-52). As such, the examiner interprets subscriber premises 100 and 120 as housing "two subscribing television receivers," as currently claimed.

Further regarding claim **6**, the appellant argues that Craig does not disclose streaming "said spooled video program to said two subscribing television receivers as two separate spaced apart streams from said copy of said video program wherein said two separate spaced apart streams are spaced apart from each other by a time period which is greater than zero." The examiner respectfully disagrees. Craig discloses a Usage Probability Processor 262 that assigns a priority value to the feature, which is used to determine the appropriate storage type for the feature. Once the feature is aged to a point of not having been requested within a predetermined time period, the program is spooled into archival storage (col. 9, l. 30-39). That is, a feature stored in archival storage will be requested after not having been requested for at least a predetermined time period. As such, the examiner maintains that Craig meets the limitation of "streams said spooled video program to said two subscribing television receivers as two separate spaced apart streams from said copy of said video program wherein said two separate spaced apart streams are spaced apart from each other by a time period which is greater than zero," as currently claimed.

Argument I.F. Claim 10 is not anticipated by Craig

Regarding claim **10**, the examiner notes that the appellant's argument is addressed with regard to Argument I.C. above.

Argument I.G. Claim 11 is not anticipated by Craig

Regarding claim **11**, the appellant argues that Craig does not disclose the claimed "transaction processing means" or the claimed "video processing means." The examiner

respectfully disagrees. The examiner notes that the appellant's argument is addressed with regard to Argument I.C. above.

Further regarding claim **11**, the appellant argues that Craig does not disclose "without passing said requested video on demand program through said transaction processing means and from streaming said requested video on demand program at a first time to said first requesting means and at a second and later time to said second requesting means." The examiner respectfully disagrees. The examiner notes that the appellant's argument is addressed with regard to Argument I.E. above.

Argument I.H. Claim 12 is not anticipated by Craig

Regarding claim **12**, the examiner notes that the appellant's argument is addressed with regard to Argument I.G. above.

Argument I.I. Claim 14 is not anticipated by Craig

Regarding claim **14**, the appellant argues that claim 14 depends from claim 13 and further limits the claimed "video processing means." The appellant further argues that the examiner admits that Craig does not anticipate claim 13 from which claim 14 depends, and therefore, Craig does not anticipated claim 14 as a matter of law.

The examiner notes that claim 14 is rejected under 35 USC 103(a) as being dependent on claim 13. The claim was mistakenly placed under the wrong heading in the examiner's rejection, since Craig meets the limitation specific to claim 14, but not the claim from which it depends.

As such, the examiner maintains that Craig meets the limitation of claim 14 under 35 USC 103(a), being dependent on claim 13.

Argument I.J. Claim 15 is not anticipated by Craig

Regarding claim **15**, the examiner notes that the appellant's argument is addressed with regard to Argument I.C. above.

Argument I.K. Claim 16 is not anticipated by Craig

Regarding claim **16**, the appellant argues that Craig does not meet elements c, d, or e of the claim, because Craig does not have the two different architectures for the transaction and video processors and because Craig does not produce two streams directly from the same memory copy of the video program as claimed. The examiner respectfully disagrees. The examiner notes that the appellant's argument regarding the two different architectures is addressed with regard to Arguments I.A. and I.C. above. The examiner further notes that the appellant's argument regarding the production of two streams directly from the same memory copy of the video program is addressed with regard to Argument I.E. above.

Argument I.L. Claim 17 is not anticipated by Craig

Regarding claim **17**, the appellant argues that Craig cannot meet the limitation of this claim, because Craig has no provision to service two non-coincident requests from two streams out of the same memory copy of the video program as claimed. The examiner respectfully disagrees. As noted regarding Argument I.E. above, Craig does provide for receiving requests

for the same video program at different times and further provides for streaming the video program to the requesting subscribers at different times.

Argument I.M. Claim 18 is not anticipated by Craig

Regarding claim **18**, the appellant argues that Craig has no provision for determining whether to generate one or two streams. The examiner respectfully disagrees. Craig discloses delaying the transmission of data for a predetermined number of minutes in response to a first request for the video selection to allow for simultaneous transmission of the video data file to subsequent subscribers placing an order for the same title within the delay period. After expiration of the predetermined delay, the video data file is transmitted to the subscribers (col. 15, l. 8-24). As noted in the response to Argument I.E., Craig also discloses transmitting a video file via two different streams at different times. Therefore, the examiner interprets Craig as providing for determining whether to generate one or two streams.

Argument I.N. Claim 19 is not anticipated by Craig

Regarding claim **19**, the appellant argues that Craig does not have a "fast forward" streaming option, because Craig employs a different and less efficient transmission technique. The examiner respectfully disagrees. Craig discloses that Interactive Processor 350 receives command data from subscriber control unit 130 for interactive control of feature presentations including fast-forward and other "VCR" type capabilities supported by the Media Server (col. 8, l. 42-50). As such, the examiner maintains that Craig meets the limitation of "Fast forwarding

said streaming to said first subscriber in response to a fast forward from said first subscriber," as currently claimed.

Argument I.O. Claim 20 is not anticipated by Craig

Regarding claim **20**, the appellant argues that Craig does not disclose "Performing subscriber accounting to enable billing said first subscriber for said video on demand request." The appellant specifically argues that the claim requires performing subscriber accounting, while Craig simply collects data. The examiner respectfully disagrees. Craig discloses a session manager that maintains a record of relevant data regarding each session, which is forwarded to a customer billing system (col. 7, l. 9-11). The examiner interprets this as "Performing subscriber accounting to enable billing said first subscriber for said video on demand request," as currently claimed.

Argument I.P. Claim 21 is not anticipated by Craig

Regarding claim **21**, the appellant argues that Craig cannot be analyzed similarly to claim 11, since claim 11 is an independent apparatus claim having means-plus-function limitations. The appellant specifically argues that claim 21 cannot be examined like claim 11, since claim 21 does not have means-plus-function limitations. The examiner respectfully disagrees. Claim 11 is written in means-plus-function form. As such, the limitations of claim 11 are not only interpreted in light of the function being performed, but also in light of the structure carrying out the function in Appellant's specification. Thus, claim 11 is the narrower of the two claims and the citations applied in the rejection of claim 11 are also applicable to the limitations of claim 21.

Argument I.Q. Claim 22 is not anticipated by Craig

Regarding claim **22**, the appellant argues that Craig discloses nothing of the architectures of the various computational components. The examiner respectfully disagrees and notes that the appellant's argument is met in the response to Argument I.A. above.

Argument I.R. Claim 23 is not anticipated by Craig

Regarding claim **23**, the appellant argues that Craig discloses nothing of the architectures of the various computational components. The examiner respectfully disagrees and notes that the appellant's argument is met in the response to Argument I.A. above.

Argument I.S. Claim 24 is not anticipated by Craig

Regarding claim **24**, the appellant argues that Craig does not have the claimed memory. The examiner respectfully disagrees and notes that the appellant's argument is met in the response to Argument I.A. above.

Argument I.T. Claim 25 is not anticipated by Craig

Regarding claim **25**, the appellant argues that Craig does not have the claimed memory. The examiner respectfully disagrees and notes that the appellant's argument is met in the response to Argument I.A. above.

Argument II. Claims 3, 7-9, and 13 are not unpatentable under 35 U.S.C. 103(a) as being obvious over Craig

Regarding claims **3**, **7-9**, **and 13**, the appellant argues that the rejections are traversed for failure of the examiner to present a *prima facie* case of obviousness as specified by MPEP 2143. The examiner respectfully disagrees.

The appellant specifically argues that Windows NT operates on machines, which are not Intel processors. The examiner respectfully disagrees with this argument; however, this argument is irrelevant, because the claim simply requires a processor capable of running the Windows NT operating system. The examiner has cited Forecast et al. (US 6,230,200) in support of the Official Notice rejection. Forecast et al. discloses Video File Server Software 60 that is executed by the processors of video stream servers 21. In the processors of the video file server, a software application is run by a general-purpose operating system, such as Microsoft NT (col. 8, l. 47-59). Thus, the examiner maintains that it was well known within the prior art to use processors capable of running a Microsoft NT operating system in a video file server.

The appellant further specifically argues that Craig specifically teaches against the modification alleged by the examiner. The appellant cites column 6, lines 58-64 in support of this allegation, noting that Craig uses FLEXCOM software. The appellant further notes that the prior art contains no suggest to change the controlling software to Windows NT as claimed. The examiner respectfully disagrees. Craig discloses the use of network control software and notes FLEXCOM software as an example of the software that could be used (col. 6, l. 58-64). Craig also notes that other network management software could be used (col. 7, l. 4-6). Forecast et al. discloses using servers that run a conventional operating system, such as Windows NT (col. 6, l.

61-63 & col. 8, l. 57-59). Thus, the examiner maintains that it would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the processors of Craig to be processors capable of running Microsoft NT operating system, such as that taught by Forecast et al. in order to provide a conventional and general purpose operating system (col. 6, l. 61-63 & col. 8, l. 57-59) for reducing maintenance and operation costs.

Argument II.A. Claim 3 is not unpatentable over Craig

Regarding claim **3**, the appellant argues that Craig does not disclose the claimed second processor. The examiner respectfully disagrees and notes that the appellant's argument is met in the response to Argument I.A. above.

Further regarding claim **3**, the appellant argues that the rejection of claim 3 should be reversed for failure of the examiner to present a *prima facie* case of obviousness. The examiner respectfully disagrees and notes that the appellant's argument is met in the response to Argument II.

Argument II.B. Claim 7 is not unpatentable over Craig

Regarding claim **7**, the appellant argues that Craig does not have the claimed video processor. The examiner respectfully disagrees and notes that the appellant's argument is met in the response to Arguments I.A. and I.E. above.

Argument II.C. Claim 8 is not unpatentable over Craig

Regarding claim **8**, the appellant argues that Craig does not have the claimed memory. The examiner respectfully disagrees and notes that the appellant's argument is met in the response to Argument I.B. above.

Argument II.D. Claim 9 is not unpatentable over Craig

Regarding claim **9**, the appellant argues that Craig cannot meet the limitations of claim 8, because Craig cannot meet the limitations of claim 8. The examiner respectfully disagrees and notes that the appellant's argument is met in the response to Argument I.B. above.

Argument II.E. Claim 13 is not unpatentable over Craig

Regarding claim **13**, the appellant argues that Craig does not have the claimed video processing means of claim 12. The examiner respectfully disagrees and notes that the appellant's argument is met in the response to Arguments I.A. and I.C. above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Michael Van Handel

/Michael Van Handel/

Examiner, Art Unit 2424

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